

## LAW LIBRARY OF CONGRESS

### RIGHTS OF PERSONS WITH DISABILITIES

#### FRANCE

#### *SUMMARY*

French disability legislation developed gradually over the course of the 20<sup>th</sup> century, with efforts culminating in the 1975 Law. Under that legislation, the integration of all disabled people into the educational, employment, and social life of the country becomes a national obligation. Additional laws specifically addressing education, employment, training, transportation accessibility, building requirements, roads, access to sporting and cultural events, and other social benefits were adopted. In addition, the Penal Code has been amended to extend provisions on non-discrimination to disabled persons.

#### **Scope of Coverage**

Legislation on persons with disabilities covers the following areas:

- Enterprises with more than 20 employees must hire 6 percent workers recognized as disabled or pay the equivalent in contributions to a development fund.
- Salaries must not be lower than those of the equivalent non-disabled employees, unless productivity is diminished (and in that case the difference is paid from the central development fund)
- Sheltered workshops may be established publicly or privately to employ some of the permanently disabled.
- Disabled workers have the right to have vocational rehabilitation and training.
- Protection is provided against discrimination under the Penal Code and the Labor Code.
- Disabled children have the right to education, with priority given to schooling in the mainstream environment and those with serious disabilities are given specially adapted individual transportation to and from school.
- Public transportation must be adapted to the needs of the disabled, with older trains being replaced by equipment that accepts wheelchair and has adapted restrooms; airline companies have signed a "code of good practices" relating to accessibility; rules are in force governing access to public or private road networks, including stipulations on parking spaces; and public buses are being adapted.
- Public housing constructed since 1983 must be adapted for wheelchairs and accessibility. requirements are in place for workplaces with more than 20 employees.
- Physical and sports education programs must take into account different types of disabilities.
- Use of the Internet is being promoted for disabled persons with financial aid available to workers and students to acquire equipment to adapt computers to specific disabilities.

#### **Legislative Objective**

The object is to integrate all people with disabilities fully into society, with no barriers to participation in education, work, and social life and to insure the maximum level of autonomy for each disabled person. The 1975 law states that families, central and local government authorities,

public organizations, social security organizations, public and private sector associations and other groups, and enterprises must all work to achieve the objective.

### **Public Policy Implementation.**

Organizations and committees representing persons with disabilities are consulted when policies, laws and regulations on related issues are drawn up.

### **Enforcement and Remedies.**

Various courts may enforce the rights of the disabled, depending on the nature of the claim of discrimination. Associations set up to defend and assist disabled persons and labor unions are authorized to take legal action on behalf of individuals with disabilities. In addition, there is the option of using the mediator established in 1973 to restrain the excesses of the administration and provide an avenue of remedy. The mediator may investigate complaints that the administration has not fulfilled its mission and may make proposals for reform.

Employers that do not fulfill their obligation to hire disabled workers may be fined. Discrimination based on state of health or disability is punishable in some cases by two years in prison and a fine of 30,000 *euro*.

### **Affirmative Defenses**

No information.